

87th Legislative Session – 2012

Committee: Senate Judiciary

Monday, February 13, 2012

P - Present
E - Excused
A - Absent

Roll Call

P Vehle
P Nygaard
P Hunhoff (Jean)
P Buhl
P Begalka
P Cutler, Vice-Chair
P Tieszen, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Craig Tieszen, Chair.

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 9, 2012

Moved by: Buhl
Second by: Begalka
Action: Prevailed by voice vote.

SB 10: revise certain provisions pertaining to boating while under the influence.

Previous testimony was heard on Thursday, February 9, 2012.

Presented by: Tony Leif, Department of Game, Fish and Parks
Proponents: Paul Bachand, SD State's Attorneys Association
Staci Eggert, SD Sheriff's Association
Opponents: Roger Tellinghuisen, SD Trial Lawyers Association

MOTION: AMEND SB 10

10ja

On page 1, line 5, of the printed bill, after "boat" insert "as defined in subdivisions 42-8-2(2b), (3), (5a), (6), or (7)".

Moved by: Cutler
Second by: Nygaard
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND SB 10

10jb

On page 1, line 5, of the printed bill, after "boat" insert "as defined in subdivisions 42-8-2(2b), (3), (5a), or (6)".

Moved by: Nygaard
Second by: Cutler
Action: Prevailed by voice vote.

MOTION: AMEND SB 10

10oa

On page 2, line 2, of the printed bill, delete "combination of an alcoholic beverage" and insert "other substance".

Moved by: Nygaard
Second by: Buhl
Action: Prevailed by voice vote.

MOTION: DO PASS SB 10 AS AMENDED

Moved by: Cutler
Second by: Buhl
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Vehle, Nygaard, Hunhoff (Jean), Buhl, Begalka, Cutler, Tieszen

The gavel was passed to Senator Joni Cutler, Vice-Chair.

SB 172: toll any conviction for operation of a boat while under the influence when calculating the number of offenses for enhancement of a driving under the influence charge.

Presented by: Senator Craig Tieszen

Proponents: Paul Bachand, SD State's Attorneys Association

Opponents: Lindsey Riter-Rapp, SD Association of Criminal Defense Lawyers

MOTION: AMEND SB 172

172ja

On page 2, after line 10 of the printed bill, insert:

" Section 5. That chapter 32-23 be amended by adding thereto a NEW SECTION to read as follows:

No conviction for, or plea of guilty to, a violation of § 42-8-45 may be used to revoke a driver license under this Act."

Moved by: Nygaard

Second by: Buhl

Action: Prevailed by voice vote.

MOTION: DO PASS SB 172 AS AMENDED

Moved by: Tieszen

Second by: Begalka

Action: Failed by roll call vote. (3-4-0-0)

Voting Yes: Begalka, Cutler, Tieszen

Voting No: Vehle, Nygaard, Hunhoff (Jean), Buhl

MOTION: DEFER SB 172 TO THE 41ST LEGISLATIVE DAY

Moved by: Vehle

Second by: Buhl

Action: Prevailed by roll call vote. (4-3-0-0)

Voting Yes: Vehle, Nygaard, Hunhoff (Jean), Buhl

Voting No: Begalka, Cutler, Tieszen

The gavel was returned to Senator Craig Tieszen, Chair.

SB 181: repeal certain tort liability arising out of causes of action based on seduction, abduction, and alienation of affections.

Presented by: Senator Stanford Adelstein

Opponents: Cindy Flakoll, Concerned Women For America
Kitty Werthmann, Eagle Forum
Matthew McCaulley, SD Family Policy Council

Responded to committee questions: Roger Tellinghuisen, self, Rapid City

MOTION: DO PASS SB 181

Moved by: Buhl

Second by: Nygaard

Action: Prevailed by roll call vote. (4-3-0-0)

Voting Yes: Nygaard, Buhl, Cutler, Tieszen

Voting No: Vehle, Hunhoff (Jean), Begalka

MOTION: ADJOURN

Moved by: Buhl

Second by: Cutler

Action: Prevailed by voice vote.

Rena Ortbahn
Committee Secretary

Craig Tieszen, Chair